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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 09/854,222   | 05/10/2001  | Srihari Kumar        | P3966                        | 1085                   |
| 24739 7590 08/15/2007<br>CENTRAL COAST PATENT AGENCY, INC<br>3 HANGAR WAY SUITE D<br>WATSONVILLE, CA 95076 |             |                      | EXAMINER<br>FELTEN, DANIEL S |                        |
|  |             |                      | ART UNIT<br>3693             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>08/15/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/854,222

Applicant(s)

KUMAR ET AL.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10, 12-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt of the Request for Continued Examination ("RCE") filed July 26, 2007 is acknowledged. Claims 1, 10 and 18 have been amended. Claims 2, 11 and 19 have been cancelled. Claims 1, 3-10 and 12-18 and 20-25 are pending in the application and are presented to be examined upon their merits.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the users" in the claim. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 5 and 7 recites the limitation "*the main interface*" in the claim. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 6 recites the limitation "*the main and secondary interfaces*" in the claim. There is insufficient antecedent basis for this limitation in the claim.

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6. Claims 10, 12-18 and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“accessible” is considered indefinite because it has a connotation that does not require the user to access the data menu over the Internet (see definition (2.) “that *can* be used...” in Dictionary.com)

“Interface

7. Claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“*interfaces*” is indefinite because it has both software and hardware connotations

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al (US 5,220,501)

**Re claim 1**, In a software suite executing from a computer server on an Internet network, for enabling viewing and manipulation of a software interface for enabling proxy transfer of

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funds between at least a user's financial account held at one institution and a user's financial account held at another, separate, institution (see Lawlor, "*cooperating banks*," column 34, lines 46 to column 35, line 2),

an interactive main window viewable from a single portal (*terminal screen*) accessed by the user from the Internet for presenting and manipulating funds at financial accounts held by the users including at least configuring transfer funds orders, viewing pending transfers, viewing transaction history, and viewing active account balances related to the financial accounts (see Lawlor, column 21, lines 19-46; column 34, lines 46 to column 35, line 15);

**Re claim 3**, wherein the data is accessible over the Internet and subscribed to by the operating user (see column 21, lines 19+).

**Re claim 4**, wherein the data is hosted in file servers addressed on the Internet network (see column 20, lines 37-43).

**Re claim 5**, wherein a first interactive link is embedded in *the main interface*, the first interactive link for providing access to a secondary interface for adding accounts to the list of activated accounts for consideration in transferring funds (see column 7, lines 5-24).

**Re claim 6**, Lawlor fails to disclose that the main and secondary interfaces are provided in the form of *hyper-text-markup-language*. Hypertext markup language is a notoriously old and well known coding language used to create hypertext documents for the Internet. Since Lawlor discloses sending messages to bank A, being connected to the Internet ATM network, by using a banking machine of Bank B (see column 21, lines 19-46), it would be obvious for artisan of

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ordinary skill in the art at the time of the invention to use the notoriously old and well known HTML to conveniently send messages via the Internet ATM network specifying user information

**Re claim 7**, wherein a second interactive link is embedded within the main interface, the second interactive link for providing access to a secondary interface for querying states of initiated funds transfers (column 34, lines 46 to column 35, line 2)

**Re claim 8**, having interactive menus within the main interface, the menus comprising an interactive tool showing lists of activated accounts for transferring funds (see column 8, lines 20-30, also lines 46-60).

**Re claim 9**, further comprising an input interface for inputting account information required to successfully complete a transfer funds operation, the input interface launched automatically when missing data is detected during a transfer funds sequence (see column 25, lines 1-20).

10. Claims 10, 12-18 & 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al (US 5,220,501) in view of Remington (US 6,070,150)

**Re claims 10, 18 & 21**, inputting in a data field within the single interface *accessed by the user an Internet Network* a transfer amount (see Lawlor, "*Internet ATM network*," column 20, line 59 to column 21, line 46 (especially column 21, lines 19-22); and column 34, line 46 to column 35 line 65);

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selecting from a data menu within the single interface a data for the funds transfer to execute (see column 34, lines 46 to column 35, line 65);

selecting from a data menu within the single interface a financial institution *accessible by the user over the Internet* and associated account number of an account the transfer amount will be taken from (see column 21, lines 19-22; and column 34, lines 46 to column 35, line 65)

selecting from a data menu within a single interface a financial institution and associated account number of and account transfer amount will be deposited to (see column 34, lines 46 to column 35, lines 65);

submitting the transfer of funds order to be executed on the selected date (see column 34, lines 46 to column 35, line 65);

Lawlor discloses in figures 16A and 16B that the date routine 574 calculates periodic dates based upon user-inputted data and thus allows the user to schedule recurring payments (e.g. loan or mortgage payments, installment payments, etc.,) (see column 45, line 64 to column 46, line 50). It is maintained that it would be obvious for an artisan to recognize the fact that recurring payments provides a proxy feature to the user by allowing a transfer of funds from the user's account in the first financial institution ( the user's bank account) into the user's account in the second financial institution (the user's loan account) periodically without further input from the user. besides the initially provided information. Thus the user does not have to continuously make the transfer (payment) from one account into another.

Lawlor discloses all the features of claims 18, including the fact that the system is part of an ATM network node (see Abstract, column 17, lines 43+), but fails to disclose that the invention is within the Internet. Remington provides a system for transferring funds via bill

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payment that is provided over the Internet (see Remington, Abstract). It would have been obvious for an artisan of ordinary skill at the time of the invention to provide the latest networking technology to Lawlor to conveniently make remote electronic transactions without use of a physical postal or wiring services. Thus one of ordinary skill in the art at the time of Lawlor would have sought to use the Internet as an alternative network that is widely recognized used across to provide information as well as make various transaction. Thus such a modification would increase the number of users to Lawlor's system and therefore have been an obvious expedient well within the ordinary skill in the art.

**Re claims 12, 20, 25,** Lawlor fails to disclose that the main and secondary interfaces are provided in the form of *hyper-text-markup-language*. Hypertext markup language is a notoriously old and well known coding language used to create hypertext documents for the Internet. Since Lawlor discloses sending messages to bank A, being connected to the Internet ATM network, by using a banking machine of Bank B (see column 21, lines 19-46), it would be obvious for artisan of ordinary skill in the art at the time of the invention to use the notoriously old and well known HTML to conveniently send messages via the Internet ATM network specifying user information.

**Re claim 13,** the transfer amount is input by selecting from a list of available amounts (see Lawlor, "*Internet ATM network*," column 20, line 59 to column 21, line 46 (especially column 21, lines 19-22); and column 34, line 46 to column 35 line 65)



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**Re claim 14**, the method is practiced by a user operating a remote computer node connected to the network(see Lawlor, "*Internet ATM network*," column 20, line 59 to column 21, line 46 (especially column 21, lines 19-22); and column 34, line 46 to column 35 line 65)

**Re claim 15-17 & 22-24**, It is submitted that a cellular telephone or a personal digital assistant with Internet accessibility are notorious old and well known hand-held devices in art to provide communication via the Internet. Thus Official Notice is taken of cellular telephones and PDA as being an obvious extension to Lawlor in view or Remington being an obvious extension of the internet ATM network computers used in these systems for remote electronic fund communication.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel S Felten

Examiner

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DSF

August 06, 2007